

REMARKS

Claims 30-34, 36-44, 47-52 and 54-57 are pending in the above-identified application. The claims have been amended so as to change the phrase “general structure” to read --structure--.

Issues Regarding Written Description Requirement

Claims 30-34, 36-43 and 48-50 have been rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Patent Examiner objects to the recitation of “chiral reducing agent” in claim 30, as well as the use of the term “general” in the present claims. Regarding the term “chiral reducing agent”, it is submitted that this term is fully supported at page 11, line 8 and page 13, lines 10-11 in the present specification. Thus, it is requested that this rejection be withdrawn as support for this term in the specification has been provided. Regarding the term “general”, this term has been deleted from the present claims. Therefore, it is requested that the above rejection be withdrawn.

Request for Telephonic Interview with Examiner

Applicant’s representative respectfully requests a telephonic Interview with the Patent Examiner in order to discuss the Unity of Invention Requirement issues which are addressed immediately below. Applicant’s representative will contact the Patent Examiner the week of July 5th in order to attempt to arrange the Interview.

Request for Withdrawal of Unity Invention Requirement

First of all, the Examiner is thanked for reducing the Unity Requirement such that previously withdrawn Groups II-V have now been combined together with the elected subject matter of Group I such that claims 30-34, 36-43 and 48-50 are presently being considered by the Examiner. Applicant respectfully requests reconsideration of the remainder of the Unity Requirement so that presently non-elected claims 44, 47, 51, 52 and 54-57 can also be considered and examined by the Examiner. As noted in the previous Response filed November 6, 2009, it is Applicant’s clear understanding that the technical problem solved by the present invention indeed defines a “single general inventive concept.” The solved technical problem constitutes providing a diastereoselective method for the preparation of compounds of formula IVa. According to PCT Rule 13.2,

"[w]here a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression 'special technical features' shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

As recognized by the EPO in its capacity as International Preliminary Examining Authority the "special technical feature" linking together the group of inventions claimed is the SO₂ adduct of the steroid compounds of the formulas III and IV, their use, and their preparation. It is respectfully submitted that the Examiner has not presented arguments against this finding. Consequently, it is requested that the Unity Requirement be withdrawn. In any case, applicant's representative will attempt to arrange an Interview to discuss these issues with the Examiner.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By _____


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